

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 April 2025

DOCKET NUMBER: AR20240006721

APPLICANT REQUESTS: in effect, credit on his DD Form 214 (Certificate of Release or Discharge from Active Duty) for 6 months of Reserve duty while serving in the U.S. Army Health Professions Scholarship Program (HPSP).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 ending on 17 August 1981, which shows:
 - On 11 July 1977, the applicant entered active duty this period
 - 17 August 1981, he was released from active duty and was transferred to his U.S. Army Reserve (USAR) unit in Maryland
 - He completed 4 years, 1 month, and 7 days net active service this period with 6 months total prior active service
 - He also had 3 years, 3 months, and 20 days total prior in active service
- Chronological Statement of Retirement Points dated 14 July 1984, which shows, the applicants retirement credits and points
- Department of Veterans Affairs (VA) ratings decision dated 10 December 2020, showing the applicant's combined rating evaluation at 100 percent, effective 14 August 2020; he highlighted his service-connected major depressive disorder with anxious distress and generalized anxiety disorder
- Congressional correspondence discussing the applicant's contentions and Army HPSP literature
- Congressional correspondence showing applicant's statement regarding regulations concerning commitments the applicant incurred during specified dates and the 6 months of active duty time he served while in the HPSP
- U.S. Office of Personnel Management (OPM), Retirement Services letter dated 18 June 2024, which responded to the applicant and states, in part:
 - "This letter is in response to your request, postmarked January 2024, to recompute your Federal Employees Retirement System annuity to include

6 months (180 days) of active-duty training time during 21 September 1973 to 10 July 1977

- Please see OPM's initial determination in the enclosed OPM letter dated 30 May 2023, addressing this same concern
 - OPM must deny this request; in reviewing your retirement files, OPM has not received any documentation verifying a deposit was paid for any military service from 21 September 1973 to 10 July 1977 prior to retirement
 - A deposit for post 1956 military service must be made prior to retirement
 - The enclosed 'RECORD OF ASSIGNMENTS' documentation you provided showing Active-Duty Training time from 21 September 1973 to 10 July 1977 is a span of 3 years, 9 months and 20 days
 - To receive credit for the 6 months OPM would require a breakdown of the exact dates you paid for and a certified "PAID IN FULL" individual retirement record (SF 3100) from your employing agency/payroll
 - You paid a deposit for military service time from 11 July 1977 to 17 August 1981 to your former employing agency and have been credited with this military service time.
 - The law at Title 5, U.S. Code, section 8422(e)(1)(A) requires that a post 1956 military service deposit must be paid in full by separation for retirement
 - Implementing regulations at Title 5, CFR, section 842.307 allows for a belated deposit if there is an administrative error on the part of the agency; upon review of your request, we did not find there was administrative error nor did you present evidence of any other impediment to paying the deposit prior to retirement"
- Applicant's statement to his Senator discussing and outlining the response from the OPM regarding their rejection of his request to extend his Service Computation Date an additional 6 months; his entire statement can be reviewed within the supporting documents

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in part:

- On his DD Form 214, item 12d (Total Prior Active Service), it shows that he had 6 months of active duty reserve time

- He was being supported by an A HPSP the 4 years of medical school; since this was a tax free stipend, there may not be a record of the stipend increase that he served for the 3 summers he was on Active Duty
- He retired from the VA and if he can get the credit on his DD Form 214 for these 6 months, it would give him 4 years and 7 months credit; he could then submit a corrected DD Form 214 to OPM
- This would make a significant difference in his federal pension from OPM, including retroactive pay during these retirement years
- He believes he is rightfully entitled to receive the 6 months of reserve duty added to his total service time

3. A review of the applicant's official documents show:

- On 21 September 1973:
 - The applicant was appointed as a Reserve commissioned officer and executed his oath of office
 - He was assigned to the USAR Control Group (Officer Active Duty Obligor) for acceptance of appointment in USAR HPSP
- On 1 April 1974, Letter Order Number T-04-78588 ordered the applicant to Active Duty for Training (ADT) for a period of 45 days; the purpose shows Armed Forces HPSP
- On 11 April 1975, Letters Order Number T-04-80091 ordered the applicant to ADT for a period of 45 days with a report date of 1 June 1975; the purpose shows Armed Forces HPSP
- On 16 March 1976, Letter Orders Number T-03-79700 ordered the applicant to ADT for a period of 45 days with a report date of 14 June 1976; the purpose shows Armed Forces HPSP
- On 4 January 1977, Orders Number T-01-65021 ordered the applicant to ADT for a period of 45 days with a report date of 14 March 1977; the purpose shows Armed Forces HPSP
- On 18 April 1977, Orders Number A-04-61209 ordered the applicant to active duty with a reporting date to his temporary duty station on 12 July 1977; the orders show "Active duty commitment: Obligated volunteer officer 4 years"
- On 11 July 1977, he was further assigned to the United States Army Medical Department Activity, Fort Meade, MD
- On 2 July 1979, Orders Number 184-1 promoted the applicant to the rank of captain, effective 6 August 1979
- On 17 August 1981, the applicant was honorably released from active duty and was transferred to his USAR unit; his DD Form 214 shows in:

- Item 12a (Date Entered Active Duty This Period) – 11 July 1977
- Item 12b (Separation Date This Period) – 17 August 1981
- Item 12c (Net Active Service This Period) – 4 years, 1 month, and 7 days
- Item 12d (Total Prior Active Service) – 6 months
- Item 12e (Total Prior Inactive Service) – 3 years, 3 months, and 20 days

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One possible outcome was to grant the requested relief based upon 6 months of active duty time the applicant served while in the HPSP. However, the governing regulation paragraph 11 (Determination of creditable service) provides that, military service performed while a member of the Health Professions Scholarship Program will not be counted. Upon review of the applicant's petition and available military record, the Board majority determined there was insufficient evidence of an error or injustice to grant relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	XXX	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	:	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X

//SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code (USC), section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 635-5 (Personnel Separations - Separation Documents), in effect at the time, states, a DD Form 214 will be prepared for all personnel at the time of their retirement, discharge, or release from the Active Army. The DD Form 214 preparation instructions for:

- Item 12c (Net Active Service This Period) states, all service entered will be less time lost under Title 10, USC, section 972 and time lost after expiration of term of service; for cadets, enter the total time between dates entered in items 12a and b with reference to item 18h below
- Item 12d (Total Prior Active Service) states, all service entered will be less time lost under Title 10, USC, section 972 and time lost after expiration of term of service

3. Army Regulation 601-141 (U.S. Army Health Professions Scholarship Program), in effect at the time, establishes the Army portion of the Armed Forces Health Professions Scholarship Program (Title 10, USC, chapter 105). In pertinent part, paragraph 11 (Determination of creditable service) states, military service performed while a member of the program will not be counted:

a. In determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

b. In computing years of service, creditable for pay under Title 37, USC, section 205, other than the 4 years of credit awarded all graduates of medical, osteopathic, and dental schools as provided by subsection (a)(7) and (8).

//NOTHING FOLLOWS//